

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DEFENDANTS LISTED ON EXHIBIT A TO FIRST
SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND INTERROGATORIES TO THE
TRUSTEE SERVED BY CHAITMAN LLP, DATED
JUNE 21, 2016,

Defendant(s).

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. Nos. Listed on Exhibit A
to First Set of Requests for
Production of Documents and
Interrogatories to the Trustee served
by Chaitman LLP, dated June 21,
2016

**TRUSTEE IRVING H. PICARD'S AMENDED RESPONSES AND OBJECTIONS TO
DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
AND INTERROGATORIES TO THE TRUSTEE**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of Bernard L. Madoff
Investment Securities LLC ("BLMIS"), under the Securities Investor Protection Act, 15 U.S.C.
§§ 78aaa-III ("SIPA"), and the estate of Bernard L. Madoff by and through the Trustee's

counsel, Baker & Hostetler LLP, hereby provides the following Amended Responses and Objections to the First Set of Requests for Production of Documents and Interrogatories to the Trustee (“Requests”) served by Defendants listed on Exhibit A (“Defendants”)¹ in 83 cases (“Adversary Proceedings”).²

OBJECTION TO DEFINITIONS

1. The Trustee objects to the term “Identify” (with respect to persons) in Definition 1(c) as inconsistent with Local Rule 26.3(c)(3) of the United States District Court for the Southern District of New York and this Court, insofar as it purports to require the Trustee to identify “the relationship between such person and (i) the Responding Party, (ii) Madoff, and/or (iii) BLMIS.” The Trustee will respond to Interrogatories containing “Identify” (with respect to persons) as it is defined by Local Rule 26.3(c)(3).

2. The Trustee objects to the term “Identify” (with respect to documents) in Definition 1(d) as inconsistent with Local Rule 26.3(c)(4) of the United States District Court for the Southern District of New York and this Court, insofar as it purports to require the Trustee to identify the “Bates-Stamp Number if said document has previously been produced or filed in E-Data Room.” The Trustee will respond to Interrogatories containing “Identify” (with respect to documents) as it is defined by Local Rule 26.3(c)(4).

¹ Exhibit A to the Requests lists former defendants that are deceased and have been formally substituted out of the relevant Adversary Proceedings, including Boyer H. Palmer (Adv. Pro. Nos. 10-04397 and 10-05151), Mary Guiducci (Adv. Pro. Nos. 10-04991 and 10-05127), and Alvin E. Shulman (Adv. Pro. Nos. 10-04599 and 10-04852). None of the parties that were substituted in as defendants in these Adversary Proceedings are reflected on Exhibit A. Consequently, with respect to these specific Adversary Proceedings, Chaitman LLP has served these Requests on behalf of parties it no longer represents, and has failed to serve the Requests on behalf of the proper defendants. The Trustee therefore objects to these Requests on the grounds that they have not been properly served in these specific Adversary Proceedings.

² BakerHostetler LP is not counsel to the Trustee in *Picard v. Roger Rechler Revocable Trust*, Adv. Pro. No. 10-04474, and *Picard v. Reckson Generation*, Adv. Pro. No. 10-05135, which were included on Exhibit A to the Requests. As such, these Responses do not represent the Trustee’s responses and objections to these Requests in those adversary proceedings.

3. The Trustee objects to the term “Identify” in Definitions 7 and 8 as inconsistent with Local Rules 26.3(c)(3)-(4) of the United States District Court for the Southern District of New York and this Court. The Trustee will respond to Interrogatories containing “Identify” as it is defined by Local Rules 26.3(c)(3)-(4).

OBJECTION TO INSTRUCTIONS

1. The Trustee will respond to these Requests consistent with Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, Rules 7026, 7033, and 7034 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), applicable Local Civil Rules of the United States District Court for the Southern District of New York and this Court (the “Local Rules”), and any applicable orders of the Court, including the Court’s June 6, 2011 Litigation Protective Order [ECF No. 4137] and October 17, 2013 Order on the Third-Party Data Rooms [ECF No. 5475] (the “Third-Party Data Room Order”).

SOURCES OF INFORMATION RELEVANT TO THE CLAIMS OR DEFENSES IN THE TRUSTEE’S POSSESSION, CUSTODY OR CONTROL

1. Hard-copy documents from the offices of BLMIS, offsite storage used by BLMIS, and other locations (“Hard-Copy BLMIS Documents”).

2. Electronic documents obtained from among approximately 20,000 pieces of media from the offices of BLMIS, offsite storage used by BLMIS, and other locations (“BLMIS Electronic Documents” or “BLMIS ESI”).

3. Documents produced by third parties to the Trustee during his investigation or adversary proceedings (“Third-Party Documents”).

I. BLMIS DOCUMENTS

From the Hard-Copy BLMIS Documents and BLMIS ESI (collectively, “BLMIS Documents”), the Trustee created a searchable electronic database containing approximately 4.7

million Hard-Copy BLMIS Documents and 25 million BLMIS Electronic Documents (“the **BLMIS Searchable Database**”). Defendants do not have direct access to the BLMIS Searchable Database because it contains documents relating to thousands of customers, many of which are not relevant to this proceeding. Instead, the Trustee provides all Defendants in these proceedings with documents as described below:

A. Proof of BLMIS’s Fraud and Insolvency: The Trustee created E-Data Room 1 from documents in the BLMIS Searchable Database as well as some Third-Party Documents. E-Data Room 1 contains documents relevant to the issues of the fraud conducted at BLMIS and its insolvency, and includes documents relating to BLMIS operations, regulatory disclosures, and financial records. *See Appendix A* for a description of documents available to Defendants in E-Data Room 1.

B. BLMIS Core Account Documents: The Trustee identified and segregated BLMIS core account documents for all customers (“Core Account Documents”). These Core Account Documents include account opening agreements, correspondence to and from BLMIS, transfer and/or redemption requests, customer statements, Portfolio Management and/or Portfolio Management Transaction Reports, which contain transaction history, and other documents that were specific to each account, and/or the Trustee’s calculation of net equity of a particular BLMIS account.

C. Proof of Transfers: In addition to the Core Account Documents relevant to transfers described above, the Trustee identified and segregated BLMIS bank account records that reflect transfers to customers (“Bank Transfer Documents”). Collectively, the Core Account Documents and the Bank Transfer Documents represent the documents produced to the Defendants by the Trustee with his initial disclosures (the “Initial Disclosure Documents”).

D. Other Documents: The Trustee preserved the nearly 20,000 pieces of BLMIS ESI and millions of pages of BLMIS Hard-Copy Documents in his possession, but did not include all such documents in the BLMIS Searchable Database. The Trustee did not process or scan, for example, backup tapes believed to contain redundant data, some floppy disks or CDs, and broken media. In responding to discovery requests, the Trustee does not search for BLMIS documents outside of the BLMIS Searchable Database. The Trustee will produce additional BLMIS Documents (meaning other than those described in Paragraphs A and B) from the BLMIS Searchable Database provided that the parties agree to narrowly tailored case-specific search terms and parameters that target documents relevant to the claims or defenses and proportional to the needs of the case in accordance with Federal Rule 26(b)(1). *See Appendix B* for a description of sources of documents in the BLMIS Searchable Database.³

III. THE SQL DATABASES

Information contained in certain BLMIS Hard-Copy Documents, BLMIS ESI, and certain Third-Party Documents was processed and input into multiple Microsoft Structured Query Language (“SQL”) Server tables and databases (the “SQL Databases”). To the extent feasible, the underlying documents used to build the SQL Databases are contained in E-Data Room 1. Some or all of the data in the SQL Databases is responsive to most of the Interrogatories. SQL Databases are used by the Trustee’s experts and are available for production to any Defendant upon request. Use of the SQL Databases requires some technical expertise. *See Appendix C* for the sources of data loaded into the SQL Databases.

³ Certain defendants with proper credentials have direct access to millions of Third-Party Documents in the Trustee’s possession. These documents are governed by the Third-Party Data Room Order. Per that Order, the Third-Party Data Rooms are not available to Defendants in these Adversary Proceedings.

THE TRUSTEE'S OBJECTIONS

1. **Materials Prepared Post-December 11, 2008:** The Trustee will not produce or log Documents prepared by and/or received by him, his counsel, his professionals and/or other agents from on or after December 11, 2008 that are protected by the attorney work product doctrine, the attorney-client privilege, and/or any other applicable privileges or protections ("Materials Prepared Post-December 11, 2008").

2. **Redundant, Cumulative, and Marginally Relevant Documents:** The BLMIS Searchable Database may contain documents that are responsive to the Interrogatories but which are redundant, cumulative, or marginally relevant (for example, the Defendants' names or account numbers appear on a list of customer names or account numbers and there is no other unique information). The Trustee objects to the production of these Documents to the extent that such production is not proportionate to the needs of the case under Federal Rule 26(b)(1) ("Redundant, Cumulative, and Marginally Relevant Documents").

3. **Information Outside the Scope of Relevance:** The Trustee objects to the disclosure of any information or identification of any Documents outside the scope of relevance articulated in Federal Rule 26 and Section 4(G) of the Litigation Procedures Order ("Information Outside the Scope of Relevance").

RESPONSES TO DOCUMENT DEMANDS AND INTERROGATORIES

REQUEST NO. 1:

List the name and address of every former BLMIS employee with whom you spoke about the meaning of entries on the customer statements and state the substance of what you questioned each person about and what that person told you. Produce all documents you reviewed with each such employee and all documents indicating what each person said.

RESPONSE:

The Trustee objects to this Request on the grounds that it calls for Materials Prepared Post-December 11, 2008. The Trustee will not produce and/or disclose such documents and/or information.

The Trustee further objects to this Request on the grounds that it seeks Information Outside the Scope of Relevance. The Request calls for documents that relate to customers other than the Defendants, and such documents are neither relevant to the claims or defenses nor proportional to the needs of these Adversary Proceedings.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate. For these reasons, the Trustee will not respond to this Request.

REQUEST NO. 2:

With respect to Madoff's and BLMIS' books and records, list every single factual error you found in those books and records including, without limitation, inconsistencies between the

deposits and withdrawals shown on the customer statements and the cancelled checks and copies of cancelled checks in the Trustee's possession.

RESPONSE:

The Trustee objects to this Request on the grounds that BLMIS' "books and records" and "errors" are vague because the Request does not specify which books and records and what kind of "errors" to which it refers.

The Trustee further objects to this Request on the grounds that it seeks Information Outside the Scope of Relevance. The Request calls for documents that relate to customers other than the Defendants, and such documents are neither relevant to the claims or defenses nor proportional to the needs of these Adversary Proceedings.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

Notwithstanding that information about other BLMIS customers is not relevant to the cases, the Trustee responds that customer statements and canceled checks are included in the Trustee's Initial Disclosure Documents and are located in E-Data Room 1. The Trustee states

pursuant to Federal Rule 33(d)(1) that Defendants may determine the response to this request for Defendants by comparing the customer statements with the checks and that the burden of ascertaining the information is substantially the same for either party.

The Trustee further responds that, as of the date of these Amended Responses and Objections, the Trustee is not aware of any errors in BLMIS's books and records with respect to any of the Defendants' accounts relating to the cash activity or the calculation of net equity in such accounts.

REQUEST NO. 3:

List every single factual error asserted by any Madoff or BLMIS customer in their statements and produce all documents relating to such error.

RESPONSE:

Trustee's Response to this is the same as Trustee's Response to No. 2.

REQUEST NO. 4:

List every single "PW" entry on a customer statement where there is no documentary evidence that the customer requested to receive profit withdrawals and produce all documents relating thereto.

RESPONSE:

The Trustee objects to this Request on the grounds that it seeks Information Outside the Scope of Relevance. The Request calls for information that relates to customers other than the Defendants, and such information is neither relevant to the claims or defenses at issue nor proportional to the needs of these Adversary Proceedings. "PW" is not at issue in every Adversary Proceeding, and to the extent that it is relevant to any specific Adversary Proceeding, the Trustee produced the relevant customer statements as part of his Initial Disclosure

Documents. The Trustee states pursuant to Federal Rule 33(d)(1) that Defendants may determine the response to this request by reviewing the Initial Disclosure Documents and that the burden of ascertaining the information is substantially the same for either party.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

Notwithstanding that information about other BLMIS customers is not relevant to these Adversary Proceedings, the Trustee will produce a list of PW transactions that indicates whether the transaction reconciles to BLMIS bank records, customer files, or documents produced to the Trustee. This list was made available in connection with the Trustee's Motion Affirming Treatment of Profit Withdrawal Transactions, ECF Nos. 10660-10664, attached as Exhibit 7 to the Declaration of Lisa M. Collura, ECF No. 10664.

REQUEST NO. 5:

If you contend that Madoff's and BLMIS' customer statements were not "permeated with fraud" with respect to the deposits and withdrawals, produce all reports and documents on which you base that conclusion.

RESPONSE:

The Trustee objects to this Request because it violates Local Rule 33.3(c), which prohibits interrogatories that “seek the claims and contentions of the opposing party” until after the conclusion of other discovery, unless the Court has ordered otherwise. The interrogatory above seeks information about the Trustee’s contentions. Discovery is ongoing in most of these Adversary Proceedings, and Defendants have not sought permission from the Court to ask contention interrogatories.

The Trustee further objects to this Request to the extent that it calls for “reports and documents” that are Materials Prepared Post-December 11, 2008. The Trustee will not produce such materials.

The Trustee also objects to the unexplained use of “permeated with fraud” with respect to the customer statements, and has no way of knowing the source of that quote. As the Trustee has explained to both the Court and opposing counsel, it is the Trustee’s position that the cash activity reflected in the BLMIS customer statements is accurate and not fraudulent.

The Trustee also objects to the Request because it seeks Information Outside the Scope of Relevance. The Request calls for information and documents relating to thousands of other BLMIS customers. The Trustee further responds that, with respect to the cash activity and principal transactions that affect the principal balance calculation (or net equity) in the Defendants’ accounts at issue in the Adversary Proceedings, the Trustee has not identified any fraud. Further, Defendants have not pointed out any fraud in any of the customer statements to the Trustee; nor have they pointed out any errors to the Trustee or set forth a specific, good-faith statement disputing any particular transaction.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

Finally, the Trustee objects to the extent this Interrogatory prematurely seeks to have the Trustee disclose expert materials well in advance of the deadline for disclosure of this information as provided in the Court-approved case management orders entered in these Adversary Proceedings. The Trustee will supplement his productions with additional documents considered by his experts, if any, following submission of their expert reports during expert discovery in each Adversary Proceeding. The Trustee further notes that to the extent fact witnesses relied on by the Trustee may also qualify as expert witnesses pursuant to Federal Rule 26(a)(2)(C), the Trustee will identify such witnesses in expert discovery.

REQUEST NO. 6:

As of the date you respond to these interrogatories, list every customer whose allowed claim has not been paid in full and state the amount of that customer's allowed claim and the amount that customer has received to date. Produce all documents from which you derived your answer. If you take the position that you cannot reveal the names of the account holders, list the

accounts by account number and indicate whether the account is (a) an individual; (b) a hedge fund; (c) a family investment fund; (d) an IRA account; or some other category.

RESPONSE:

The Trustee objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

The Trustee further objects to this Request on the ground that it seeks Information Outside the Scope of Relevance and otherwise not proportional to the needs of these Adversary Proceedings, given that it calls for information relating to claimants other than Defendants.

The Trustee refers Defendants to information regarding the claims process, located on the Trustee's website at www.madofftrustee.com.

REQUEST NO. 7:

With respect to your most recent distribution to allowed claimants, how much did you distribute in total and how much did you distribute to each allowed claimant. Produce all documents evidencing the distribution schedule including a list of the amount paid to each claimant, showing the name of each claimant. If you take the position that you cannot reveal the

names of the account holders, list the accounts by account number and indicate whether the account is (a) an individual; (b) a hedge fund; (c) a family investment fund; (d) an IRA account; or some other category.

RESPONSE:

The Trustee objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

The Trustee further objects to this Request on the ground that it seeks Information Outside the Scope of Relevance or otherwise not proportional to the needs of these Adversary Proceedings, given that it calls for information that (i) is not relevant to the claims or defenses associated with whether the Trustee may avoid and recover the avoidable transfers from Defendants and (ii) relates to hundreds of claimants other than Defendants.

REQUEST NO. 8:

List the name of every customer who sold an allowed claim to a claims purchaser, the amount paid to the customer by the claims purchaser, the allowed amount of the claim, and the date of the purchase. Produce all documents from which you derived your answer.

RESPONSE:

The Trustee's Response to this is the same as the Trustee's Response to No. 7.

REQUEST NO. 9:

List every claims purchaser to whom you have made payment and state the amount, to date, that you have paid each claims purchaser.

RESPONSE:

The Trustee objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request on the grounds that it seeks Information Outside the Scope of Relevance. The information called for by this Request has no bearing on whether the Trustee may avoid and recover the avoidable transfers in the applicable Adversary Proceedings.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

REQUEST NO. 10:

Provide a list of every allowed claim with the amount of the allowed claim. If you take the position that you cannot reveal the names of the account holders, list the accounts by

account number and indicate whether the account is (a) an individual; (b) a hedge fund; (c) a family investment fund; (d) an IRA account; or some other category.

RESPONSE:

The Trustee's Response to this is the same as the Trustee's Response to No. 7.

REQUEST NO. 11:

For each year of Madoff's operation, state all facts on which you base your position that Madoff did not purchase securities for his investment advisory customers and produce the documents on which you base your position.

RESPONSE:

The Trustee objects to this Request on the ground it calls for Materials Prepared Post-December 11, 2008, as well as information derived therefrom. The Trustee will not produce and/or disclose such documents and/or information.

The Trustee further objects to this Request on the grounds that it prematurely seeks to have the Trustee disclose expert materials well in advance of the deadline for disclosure of this information as provided in the Court-approved case management order entered in these Adversary Proceedings. The Trustee will supplement his productions with additional documents considered by his experts, if any, following submission of their expert reports during expert discovery in the respective Adversary Proceedings. The Trustee further notes that to the extent fact witnesses relied on by the Trustee may also qualify as expert witnesses pursuant to Federal Rule 26(a)(2)(C), the Trustee will identify such witnesses in expert discovery.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings.

The Trustee states that an analysis of BLMIS's books and records reflect that no securities were purchased by the investment advisory business unit. The Trustee has already or will, in accordance with the operative case management orders for each adversary proceeding, serve a report prepared by the Trustee's expert, Bruce Dubinsky, dated August 20, 2013, which contains a detailed analysis of these records. A list of all documents considered by Mr. Dubinsky has been or will be disclosed with that report and the documents are located in E-Data Room 1. The Trustee further refers Defendants to the Trustee's supplemental document production made on December 16, 2016. To the extent that the Trustee's experts provide supplemental reports, they will be served on the Defendants along with any additional documents which were considered in the drafting of the report. The Trustee further refers the Defendants to E-Data Room 1, which was created to provide Defendants access to the documents upon which the Trustee will rely to establish that the investment advisory business unit did not purchase any securities. It is not proportional to the needs of these Adversary Proceedings to respond to this Request and require the Trustee to undertake any additional burden given that there are more than 5 million responsive documents in E-Data Room 1 and Defendants have not articulated whether, or a specific reason as to why, they contend that BLMIS was not a fraudulent enterprise during the relevant time period.

REQUEST NO. 12:

With respect to your answer to Interrogatory No. 11, list all individuals with whom you spoke concerning this issue, explaining the specific facts each such person provided and produce all documents obtained from each such person.

RESPONSE:

The Trustee objects to this Request on the ground it calls for Materials Prepared Post-December 11, 2008, as well as information derived therefrom. The Trustee will not produce and/or disclose such documents and/or information.

The Trustee further objects to this Request on the grounds that it prematurely seeks to have the Trustee disclose expert materials well in advance of the deadline for disclosure of this information as provided in the Court-approved case management order entered in these Adversary Proceedings. The Trustee will supplement his productions with additional documents considered by his experts, if any, following submission of their expert reports during expert discovery in the respective Adversary Proceedings. The Trustee further notes that to the extent fact witnesses relied on by the Trustee may also qualify as expert witnesses pursuant to Federal Rule 26(a)(2)(C), the Trustee will identify such witnesses in expert discovery.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings.

REQUEST NO. 13:

List the name, address and phone number of every BLMIS employee who worked in the market-making business and in the proprietary trading business as of January 1, 2008 and explain his/her function and compensation.

RESPONSE:

The Trustee objects to this Request to the extent it seeks Information Outside the Scope of Relevance.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

The Trustee nonetheless states that approximately 4 million documents that relate to the operations of BLMIS are in E-Data Room. The purpose of E-Data Room 1, among others, was to provide all parties access to documents relating to the operations of BLMIS on a global basis. It is not proportional to the needs of these Adversary Proceedings to respond to this Request and require the Trustee to undertake any additional burden given the accessibility of these documents. The Trustee directs the Defendants to MADTTN0008185, located in E-Data Room

1, which lists the persons employed by BLMIS, to the best of the Trustee's knowledge, for a time period including January 1, 2008. The Trustee also directs the Defendants to Bates No.

FIDTAA0000166-FIDTAA0000325, located in E-Data Room 1, that contains additional information responsive to this request.

REQUEST NO. 14:

Explain the basis on which you determined that the Defendants have no net equity and produce the front and back of each deposit into and withdrawal from the Account and from any account which transferred funds into the Defendants' account.

RESPONSE:

In a meet and confer regarding virtually identical Requests served by defense counsel in a separate adversary proceeding, defense counsel clarified that this Request should state, "produce the front and back of each check deposited into and withdrawn from the Account and from any account which transferred funds into the Defendants' account."

The Trustee responds that the Trustee's expert calculated the principal balance by reviewing the Initial Disclosure Documents for each relevant adversary proceeding, which were produced to Defendants in connection with the Trustee's initial disclosures in each Adversary Proceeding. It is not proportional to these Adversary Proceedings for the Trustee to be required to produce the backs and fronts of every check deposited into and withdrawn from Defendants' accounts and from any account which transferred funds into the Defendants' accounts when the Defendants have not set forth a specific, good-faith reason that the calculation is incorrect.

The Trustee further objects to the extent this Request prematurely seeks to have the Trustee disclose expert materials well in advance of the deadline for disclosure of this information as provided in the Court-approved case management orders entered in these

Adversary Proceedings. The Trustee will supplement his productions with additional documents considered by his experts, if any, following submission of their expert reports during expert discovery. The Trustee further notes that to the extent fact witnesses relied on by the Trustee may also qualify as expert witnesses pursuant to Federal Rule 26(a)(2)(C), the Trustee will identify such witnesses in expert discovery.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

REQUEST NO. 15:

Explain how you intend to establish that Madoff was insolvent in each year from 1960 – 2000 and produce all documents on which you will rely to establish insolvency for each of those years.

RESPONSE:

The Trustee objects to the extent this Interrogatory prematurely seeks to have the Trustee disclose expert materials well in advance of the deadline for disclosure of this information as provided in the Court-approved case management orders entered in these Adversary

Proceedings. The Trustee will supplement his productions with additional documents considered by his experts, if any, following submission of their expert reports during expert discovery. The Trustee further notes that to the extent fact witnesses relied on by the Trustee may also qualify as expert witnesses pursuant to Federal Rule 26(a)(2)(C), the Trustee will identify such witnesses in expert discovery.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

The Trustee intends to put forth an expert on the insolvency of BLMIS. The Trustee has already or will, in accordance with the operative case management orders for each adversary proceeding, serve a report prepared by the Trustee's expert, Bruce Dubinsky, dated August 20, 2013, which contains a detailed analysis of BLMIS's insolvency. A list of all documents considered by Mr. Dubinsky has been or will be disclosed with that report and the documents are located in E-Data Room 1. The Trustee further refers Defendants to the Trustee's supplemental document production made on December 16, 2016. To the extent that the Trustee's experts

provide supplemental reports, they will be served on the Defendants along with any additional documents which were considered in the drafting of the report.

REQUEST NO. 16:

Provide the gross trading volume by both number of shares traded and total dollar volume for each year of Madoff's operation, broken down by (a) investment advisory business (b) proprietary trading business; and (c) market making business. Produce the documents on which you base your responses.

RESPONSE:

The Trustee objects to this Request because it violates Local Rule 33.3(c), which prohibits interrogatories that "seek the claims and contentions of the opposing party" until after the conclusion of other discovery unless the Court has ordered otherwise. This Request seeks information about the Trustee's contentions. Discovery is ongoing in most of these Adversary Proceedings, and Defendants have not sought permission from the Court to ask contention interrogatories.

The Trustee further objects to the extent this Request prematurely seeks to have the Trustee disclose expert materials well in advance of the deadline for disclosure of this information as provided in the Court-approved case management orders entered in these Adversary Proceedings. The Trustee intends to establish the insolvency of BLMIS through his experts. The Trustee will supplement his productions with additional documents considered by his experts, if any, following submission of their expert reports during expert discovery. The Trustee further notes that to the extent fact witness relied on by the Trustee may also qualify as expert witnesses pursuant to Federal Rule 26(a)(2)(C), the Trustee will identify such witnesses in expert discovery.

The Trustee further objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

While the foregoing protects the Trustee from having to respond at all to this Request, the Trustee nonetheless states that there were no securities purchased by the investment advisory business unit, of which Defendants were customers. With respect to the proprietary trading business and the market making business, records from BLMIS and third parties, including the Depository Trust and Clearing Corporation, which reflect trading activity by those business units of BLMIS, are in E-Data Room 1. The purpose of E-Data Room 1, among others, was to provide Defendants the documents upon which the Trustee relies to establish that no trades were being made by the investment advisory business unit and that no trades were being made by the market making and proprietary trading business unit on behalf of customers of the investment advisory business unit. Given the accessibility of these documents, as well as Defendants' failure to articulate a specific reason as to whether and why Defendants contend that BLMIS was not a fraudulent enterprise or insolvent during the relevant time period, it is not proportional to

the needs of these Adversary Proceedings to respond to this Request and require the Trustee to undertake any additional burden.

The Trustee further refers the Defendants to his document production of December 16, 2016. In addition, the Trustee is in the process of identifying additional records related to trading activities at BLMIS prior to 2002 and, to the extent such documents are identified, they will be promptly produced to the Defendants and uploaded to E-Data Room 1.

REQUEST NO. 17:

Provide the number of employees who worked in each of the trading areas set forth in interrogatory # 17 for each year of Madoff's operations and produce the documents on which you base your responses.

RESPONSE:

The Trustee's Response to this is the same as Trustee's Response to No. 13.

REQUEST NO. 18:

For each security listed on the Defendants' account statements for each year from 1982 on, set forth the number of shares of the listed companies' stock that BLMIS held at that time; and, if the stock was specified as belonging to a particular customer, specify the customer and the number of shares shown on BLMIS' records as being owned by that customer. Produce the documents on which you base your responses.

RESPONSE:

The Trustee objects to this Request to the extent service of the Requests did not comply with Fed. R. Civ. P. 5. The fact that the Trustee is responding to these Requests should not be construed as an admission that the Requests were properly served.

The Trustee further objects to this Request to the extent fact discovery has closed and/or the Request is otherwise untimely pursuant to the operative case management order in any of the applicable Adversary Proceedings. In addition, the Trustee objects to this Request for the reasons stated at the May 17, 2016 hearing in *Picard v. Wilenitz*, Adv. Pro. No. 10-04995, which are incorporated by reference here. In light of the fact that the Court specifically rejected the defendant's attempt to compel a response to this identical Request in that adversary proceeding, no response beyond what the Trustee provided in *Wilenitz* is appropriate.

The Trustee states pursuant to Federal Rule 33(d)(1) that Defendants may determine the response to this request for Defendants by comparing the DTCC records in E-Data Room 1 with the Initial Disclosure Documents and that the burden of ascertaining the information is substantially the same for either party.

The Trustee further refers the Defendants to his document production of December 16, 2016. In addition, the Trustee is in the process of identifying additional records related to trading activities at BLMIS prior to 2002 and, to the extent such documents are identified, they will be promptly produced to the Defendants and uploaded to E-Data Room 1.

AS TO OBJECTIONS:

BAKER & HOSTETLER LLP

Dated: January 13, 2017
New York, New York

By: /s/ Nicholas J. Cremona

David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
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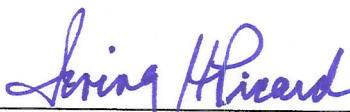
*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

I, Irving H. Picard, as the Court-appointed Trustee of the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, hereby state that the foregoing Amended Responses and Objections to Interrogatories (“Interrogatory Responses”) have been assembled and prepared by my counsel. I sign for purposes of being bound by the foregoing Interrogatory Responses, but further state that as the Trustee, I have no personal knowledge of the facts and information herein. The Interrogatory Responses set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily are limited by the records and information still in existence, presently recollected, and/or thus far discovered in the course of the preparation of these Interrogatory Responses. Consequently, I reserve the right to make changes to the Interrogatory Responses if at any time it appears that an error or omission has been made therein or if additional or more accurate information becomes available.

Dated: January 12, 2017



Irving H. Picard

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served this 13th day of January, 2017 by electronic and first class mail upon the following:

Helen Davis Chaitman
CHAITMAN LLP
465 Park Avenue
New York, NY 10022
Email: hchaitman@chaitmanllp.com

/s/ Cara McGourty
*An Attorney for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff*

Appendix A

E-Data Room 1

E-Data Room 1

The following documents are contained in E-Data Room 1:

- Documents related to BLMIS's financial condition;
- Documents related to BLMIS's operations, including the Ponzi scheme;
- BLMIS customer monthly account statements;
- Other BLMIS internal records;
- Transfers of money to, from and within BLMIS; and
- BLMIS's regulatory disclosures.

The documents and data in E-Data Room 1 are organized generally by source, then document type. Some included categories are:

- BLMIS customer monthly account statements and ledgers;
- Data and reports from various electronic sources;
- BLMIS documents and work papers;
- Operational documents;
- FINRA documents;
- Certain documents received from the SEC;
- Some public documents such as plea allocations; and
- Certain hard-copy documents collected from the three floors in the Lipstick Building and BLMIS's off-site storage locations.

E-Data Room 1 is set up as indicated in the following screenshots (rev. 12/5/2015):

The screenshot shows the Relativity Workspaces interface. The browser address bar displays 'https://relativity10.cdslegal.com/Re'. The interface includes a menu bar (File, Edit, View, Favorites, Tools, Help) and a toolbar. The 'Active Cases' section is visible, showing a table with the following data:

Name	Case Artifact...	Client Name	Matter Name	Matter Number	Status	Keywords	Database Lo...	Default File L...	Resource Pool	Created On	Last Modifie...	Created By	Client Number
E-Data Room 1_Proof of Fraud and Insolvency	1298651	Baker & Hostettler LLP	SIPC v. BLMIS, et al., Adv. Proc. No 08-1789 (BRL)	00000	Active	Solomon, Jonathan (PM)	WSKSQLCLUST1\wksql01.cdshost		Resource Pool A	12/8/2011 4:04 P	1/15/2015 2:32 P	Smith, Deron	Baker & Hostettler LLP

The screenshot shows the Relativity interface for the 'E-Data Room 1_Proof of Fraud and Insolvency' workspace. The browser address bar displays 'https://relativity10.cdslegal.com/Re'. The interface includes a menu bar (File, Edit, View, Favorites, Tools, Help) and a toolbar. The 'Documents' section is visible, showing a list of documents with the following data:

#	DocID	EndDoc	Bates Begin...	Bates End A...	Folder Begin	Folder End	Original Bat...	Original Bat...	Bates_Numb...	MASTER AC...	MASTER
1	BATSAA000015	BATSAA000015					BATS 000152	BATS 000152	BATS 000152;	BATSAA000015;	
2	BATSAA000015	BATSAA000018					BATS 000154	BATS 000184	BATS 000154;	BATS 000184;	BATSAA000015;
3	BATSAA000018	BATSAA000018							BATSAA000018;		
4	BATSAA000018	BATSAA000019							BATSAA000018;	BATSAA000019;	
5	BATSAA000019	BATSAA000019							BATSAA000019;		
6	BATSAA000019	BATSAA000019							BATSAA000019;		
7	BATSAA000019	BATSAA000019							BATSAA000019;		

https://relativity10.cdslegal.com/Re E-Data Room 1_Proo... X

File Edit View Favorites Tools Help

E-Data Room 1_Proof of Fraud and Insolvency

Documents

FIELD TREE

- E-Data Room 1_Proof of Fraud and Insolvency
 - Issues
 - DATA
 - Account Statements and L...
 - Microfilm
 - SETCSH17
 - STMTPro
 - StorQM
 - StorQM 1099 Forms
 - DOCUMENTS
 - FINANCIALS
 - [Not Set]

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2	<input type="checkbox"/>	Edit	BATSAA000015	BATSAA000018;					BATS 000154	BATS 000184	BATS 000154; BATS 000184; BATSAA000015; BATSAA000018;		
3	<input type="checkbox"/>	Edit	BATSAA000018	BATSAA000018;							BATSAA000018;		
4	<input type="checkbox"/>	Edit	BATSAA000018	BATSAA000019;							BATSAA000018; BATSAA000019;		
5	<input type="checkbox"/>	Edit	BATSAA000019	BATSAA000019;							BATSAA000019;		
6	<input type="checkbox"/>	Edit	BATSAA000019	BATSAA000019;							BATSAA000019;		
7	<input type="checkbox"/>	Edit	BATSAA000019	BATSAA000019;							BATSAA000019;		

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E-Data Room 1_Proof of Fraud and Insolvency

Documents

FIELD TREE

- E-Data Room 1_Proof of Fraud and Insolvency
 - Issues
 - DATA
 - DOCUMENTS
 - BLMIS Documents and Work Papers
 - BLMIS Operational Documents
 - FINRA
 - MSIL Documents and Work Papers
 - Other Public Documents
 - Avellino, Bienes
 - Bongiorno, Annette
 - Cruel, Jodi
 - DiPascali, Frank
 - Friedling, David
 - Kugel, David
 - Lipkin, Eric
 - Madoff, Bernie
 - O'Hara, Jerome / Perez, George / Bonventre, Dan
 - Other
 - Other Third Party Documents
 - BATS Exchange
 - Chicago Board of Options Exchange
 - Chicago Mercantile Exchange
 - Clearstream Banking SA
 - Daily Stock Records (DSR)

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3	<input type="checkbox"/>	Edit	BATSAA000018	BATSAA000018;							BATSAA00001
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Page Safety Tools

9 E-Data Room 1_Proof of Fraud and Insolvency

Documents

FIELD TREE

- Madoff, Bernie
- O'Hara, Jerome / Perez, George / Bonventre, Dan
- Other
- Other Third Party Documents
 - BATS Exchange
 - Chicago Board of Options Exchange
 - Chicago Mercantile Exchange
 - Clearstream Banking SA
 - Daily Stock Records (DSR)
 - DTCC
 - FAZ
 - Friehling & Horowitz
 - IBM
 - Interactive Brokers
 - Knight Capital Group
 - London Times
 - OCC
 - Other
 - PUBLIC
 - SEC
 - Documents Received From SEC
 - SEC Public Documents
 - Trustee Documents
- FINANCIALS
- [Not Set]

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3	Edit BATSAA000018	BATSAA000018;							BATSAA00001
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6	Edit BATSAA000019	BATSAA000019;							BATSAA00001
7	Edit BATSAA000019	BATSAA000019;							BATSAA00001

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Page Safety Tools

9 E-Data Room 1_Proof of Fraud and Insolvency

Documents

FIELD TREE

- E-Data Room 1_Proof of Fraud and Insolvency
 - Issues
 - DATA
 - DOCUMENTS
 - FINANCIALS
 - ADP
 - American Technology Research
 - Anglo Irish Bank
 - Bank of New York (BONY)
 - Bankers Trust
 - Barclays Capital LLC
 - Barclays Lehman
 - Barclays Wealth
 - Bear Stearns
 - Bear Stearns Order Execution Services
 - BLMIS Financial Statements
 - BLMIS General Ledgers
 - Chase
 - CIBC
 - Cohmad
 - Cohmad Securities
 - Cohmad Securities-Bear Stearns
 - Commerce Bank
 - Credit Suisse
 - Fidelity

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E-Data Room 1_Proof of Fraud and Insolvency

Documents

FIELD TREE

- Fidelity
- Friedman Billings Ramsay & Co
- Gabelli & Company
- Gordon Haskett Capital Corp
- Imperial Capital
- Invoices and Related
- Janco
- Johnson Rice & Co
- JPMorgan Chase (JPMC)
- Lehman Brothers
- Link Brokers Derivatives Corp
- M&T Securities
- Merrill Lynch
- Merriman Curhan Ford
- Miller Tabak & Co
- Morgan Stanley
- MSIL FINANCIALS
- National Westminster Bank PLC
- Needham & Company
- Pali Capital
- Raymond James
- Royal Bank of Scotland
- Samson Capital Advisors LLC
- Tradetrek Securities
- UBS

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E-Data Room 1_Proof of Fraud and Insolvency

Documents

FIELD TREE

- Gordon Haskett Capital Corp
- Imperial Capital
- Invoices and Related
- Janco
- Johnson Rice & Co
- JPMorgan Chase (JPMC)
- Lehman Brothers
- Link Brokers Derivatives Corp
- M&T Securities
- Merrill Lynch
- Merriman Curhan Ford
- Miller Tabak & Co
- Morgan Stanley
- MSIL FINANCIALS
- National Westminster Bank PLC
- Needham & Company
- Pali Capital
- Raymond James
- Royal Bank of Scotland
- Samson Capital Advisors LLC
- Tradetrek Securities
- UBS
- Wachovia
- Wachovia Capital Markets
- Wall St Access
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E-Data Room 1_Proof of Fraud and Insolvency

Documents

FIELD TREE

- E-Data Room 1_Proof of Fraud and Insolvency
 - Issues
 - DATA
 - DOCUMENTS
 - FINANCIALS
 - ADP
 - American Technology Research
 - Anglo Irish Bank
 - Bank of New York (BONY)

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Appendix B
BLMIS Searchable Database

Repositories in the BLMIS Searchable Database

- Active email;
- Active desktops;
- Certain backup data;
- Other hard drives on the 17th floor of the Lipstick Building, including the 17th floor file share; and
- Certain hard-copy account documents from the 17th floor, 18th floor, 19th floor and the basement of the Lipstick Building and off-site storage

Custodians in BLMIS Searchable Database — Where Identifiable (rev. 12/5/2015)

EMPLOYER	EMPLOYEE NAME	POSITION
BLMIS	Abend, Reed	Trader Assistant / OTC Trader
BLMIS	Allen, Garrett K.	Trading Asst
MSIL	Allen, Peter	Former MSIL Director, Consultant
BLMIS	Anderson, Semone G. Blair	Clerk / Annette Dept
PRIMEX-1YV, PRIMEX-3HV	Anselmo, Michael J.	Management
BLMIS	Arbitrario, Maurice	Network Engineer
BLMIS	Arroyo, Richard	Research Assistant, Customer Service (Systems) / A/E
BLMIS	Astuto, Toniann	Admin Asst
BLMIS	Barutcuoglu, Zafer	
BLMIS	Batalion, Sally	
BLMIS, MADOFF BROKERAGE & TRADING TECHNOLOGIES	Benetar or Benatar, Michael	Manager
BLMIS, PRIMEX-1YV, PRIMEX-3HV	Berkowitz, Herman David	Lawyer, Admin
BLMIS	Berkowitz, Peter	Asst Trader / Proprietary Trader
COHMAD SECURITIES	Berman, Stanley M.	Broker
BLMIS	Birch, Lawrence (Larry)	Sales & Marketing / Client Services
BLMIS	Bongiorno, Annette (Argese)	Admin Asst / Secretary / Manager
N/a	Bongiorno, Rudy	
BLMIS	Bonventre, Daniel	Auditor, Director of Operations
BLMIS	Bonventre, John R.	Investment Banking / Clerical / Back Office
BLMIS	Bonventre, Peter	Asst Trader
BLMIS	Brown, Clive A.	Administration
BLMIS	Bruttomesso, Garrett L.	Trader / Proprietary Trader
COHMAD SECURITIES	Buccellato, Rosalie	Clerk
	Buchanan, Leanne	
BLMIS	Buchmueller, Elizabeth	Admin
MSIL	Byrom, Matt	Trader
BLMIS	Cacas, Eduardo (Ed) Jr.	Business Systems Analyst
BLMIS	Camvycis, Thomas	Trader / Proprietary Trader
BLMIS	Cancemi, Joann	
BLMIS	Caputo, Richard	Network Admin
BLMIS	Cardile, Robert	Trader / Systems Analysts
BLMIS	Carlson, David	Trader, Admin / Proprietary Trader
BLMIS	Carrero, David	Trader, Admin
BLMIS, MADOFF BROKERAGE & TRADING TECHNOLOGIES LLC, PRIMEX TRADING	Casanova, Alberto C. (Al)	BLMIS-Management, Primex-Co-Manager
BLMIS, PRIMEX-3HV	Chen, Terrence (Xi)	Developer

BLMIS	Clarke, Prunella D.	Admin / Housekeeping
BLMIS	Cohn, Leon	Analyst
COHMAD SECURITIES	Cohn, Marcia B.	VP-Retail Brokerage
BLMIS, COHMAD SECURITIES	Cohn, Maurice Jay (Sonny)	Analyst
BLMIS	Colin, Stephani R.	Admin Asst
BLMIS	Collado, Ralph	Facilities Mgr
BLMIS	Collins, Richard (Rich)	Facilities Mgr
BLMIS	Concepcion, Darlene R. Coleman	Secretary, Clerk
BLMIS	Connelly, Andrew B.	Comm Tech
MSIL	Conway, Simon	
BLMIS	Cooper, Jeffrey M.	Asst Trader
BLMIS	Copersino, Albert S.	Proprietary Trader
BLMIS	Cotellessa-Pitz, Enrica	Controller
BLMIS	Coughlin, Edward (Ed) T.	Trader, Management
BLMIS	Crupi, JoAnn (Jodi)	Clerical / Manager
BLMIS	Curcione, Louis J. III	Trader
BLMIS	Cutroneo, Kenneth R.	Asst Trader
MSIL	Dale, Christopher (Chris)	Executive Director
BLMIS	Damiba, David E.	Proprietary Trader
BLMIS	De Lisi or Delisi, Frederick (Fred)	Communications Tech
MSIL	Deadman, Peter	Trader
BLMIS	Dee, Daniel	Trader
BLMIS	Delgado, Iris V.	Administration
PRIMEX-3HV	DeMaso, Christopher M. (Chris)	Sales
BLMIS	DiPascali, Frank	Manager
BLMIS	Distenfeld, Eric Jay	Portfolio Manager
BLMIS	Dolinsky, Craig	Trader / A/E
BLMIS	Dubler, Scott A.	Proprietary Trader
BLMIS	Duffy, Daniel	Listed Trader
MSIL	Dupont, Gregoire	
BLMIS	Eckhaus, Daniel (Dan)	Systems
BLMIS	Eisen, Barry	
BLMIS	Esbenshade, Zi Yah	A/E
BLMIS	Eversley, Nicholas C.	Programmer
BLMIS	Falcone, Robert	Comp Prog
BLMIS	Feld, Anthony C.	Proprietary Trader
BLMIS	Feng, Charles	Trader
BLMIS	Feng, Karl	Assistant Trader
MSIL	Fenwick, Julia	Business & Systems Manager
BLMIS	Ferraro, Jeffrey (Jeff)	Operations Manager / Back Office
BLMIS	Ferraro, Marc	Securities Trader / Back Office / Clerical
BLMIS	Flax, Elana Y.	Trader
MSIL	Flax, Leon	Executive Director, Director-Finance
BLMIS	Fleischman, Barry	Trader / ROBO
BLMIS	Fleming, Junior Antonio	Driver, Special
BLMIS	Flores, Enrique (Rick)	Senior Order Clerk / Systems Analysts
BLMIS	Fong, Kevin	Sr. Software Engineer
MSIL	Foster, Adam	
MSIL	Frachet, Gilles	Trader
BLMIS	Fraga, Carlos	Systems
BLMIS	Friedman, Ari	Marketing

BLMIS	Friedman, Steven D. (Steve)	Prop Trader
BLMIS	Fuller, Tracey L.	Admin
BLMIS	Fullerton, Stephanie H.	Lotus Notes Sys. Admin
BLMIS	Garcia, Patricio (Pat)	
BLMIS, COHMAD SECURITIES	Garcia, Vincent J.	Client Services
BLMIS	Gatoff, Danna Beit-Halachmy	
BLMIS	Gavlik, Margaret Washburn	Trader, Management
MSIL	George, Alastair	Trader
BLMIS	Glassman, Brett T.	Asst Trader / Proprietary Trader
BLMIS, MADOFF BROKERAGE & TRADING TECHNOLOGIES	Glazer, Michael	Programmer
BLMIS	Goldman, Mark S.	Equities Trader
BLMIS	Graves, William	Analyst, Trader
BLMIS	Green, Ari	Analyst
COHMAD SECURITIES	Greenberg, Jonathan B.	Trader
MSIL	Grice, Dylan	Trader (still on probation)
BLMIS	Gross, Jason M.	Technical Support, Systems
BLMIS	Gutman, Robert A.	Proprietary Trader
BLMIS	Gutzwiller, Mark G.	Prop Trader
MSIL	Hagnesten, Marcus	Trader
MADOFF BROKERAGE & TRADING TECHNOLOGIES	Hakker, Martin II	Business analyst
BLMIS	Hemrajani, Haresh C.	Computer Tech, Programmer
MSIL	Henchey, James	Trader
BLMIS	Hendell, Scott	Stock Loan Clerk, Messenger
BLMIS	Hoffman or Hoffmann, Brian C.	Trader
BLMIS	Hooey, Rolland C. Jr. (Ron)	Traders Assistant / ROBO
BLMIS	Horwitz, Daniel A.	Proprietary Trader
MSIL	Hughes, Marcus (Marc)	Trader
MSIL	Hui, Ying-Ting (William?)	Accountant
BLMIS	Hutchinson, Kenneth R. (Kenny)	Programmer
BLMIS, PRIMEX TRADING	Ibrahim, Nader	Computer Support
BLMIS	Imbruce, Gregg	Proprietary Trader
BLMIS	Jackson, Winifred P. (Winnie)	Bookkeeping, Clerk / Annette Dept
BLMIS	Jacobson, Jeffrey H. (Jeff)	Assistant Trader / Proprietary Trader
COHMAD SECURITIES	Jalon, Cyril D.	Account Executive
BLMIS	Jimenez, Anthony	Systems, Technician
BLMIS	Joel Burger, Amy	Back Office / Clerical
BLMIS	Jones, Belle M.	Admin, Acct Mgr
BLMIS	Jones, Richard P.	Trader / A/E
BLMIS	Jorgenson, George	Comm. Specialist
BLMIS	Kanning, Robert Keith	Assistant Trader / OTC Trader
BLMIS	Kay, Stephen	Sales
BLMIS	Kelly, Edward M. (Ted)	Customer Service
BLMIS	Kelly, John P.	A/E Desk, Customer Service / Client Services
BLMIS	Khan, Dorothy	Clerk, Data Entry / Annette Dept
BLMIS	King, Seon A.	Storage Clerk
BLMIS, MADOFF BROKERAGE & TRADING TECHNOLOGIES LLC	Knapp, Brian	Quality Assurance
BLMIS	Koneru, Rajeth	PC Support
BLMIS	Koster, Deborah T.	IT Manager, Technician
BLMIS	Kramer, Kenneth B.	Trader

PRIME-1YV, PRIMEX-3HV	Kugel, Craig Ian	Management
BLMIS	Kugel, David L.	Trader, Manager
COHMAD SECURITIES	Kurzrock, Morton D.	Account Executive
BLMIS	Lanier, Adam K.	Systems Administrator
BLMIS	Larsen, Jean	Receptionist
	Lee, Andrew	
BLMIS	Lenaghan, Jonathan Thomas	Quant. Analyst, Software Programmer
BLMIS	Lipkin, Eric S.	Human Resources, Accounting / Systems Analyst, 401k Administrator, Office & Clerical
BLMIS	Lippitt, Matthew	Trader
PRIMEX-1YV, PRIMEX-3HV	Loman, Helaine B.	Analyst
BLMIS	Lorenzo, Andrew J.	NASDAQ Trader
MSIL	Lyons, Stephen (Steve)	Trader
BLMIS	Madoff, Andrew H.	Director of Prop Trading
BLMIS	Madoff, Bernie	Chairman
BLMIS	Madoff, Mark D.	Trader
BLMIS	Madoff, Peter B.	Sr. Managing Director
N/a	Madoff, Ruth	
BLMIS	Madoff, Shana Swanson	In-house counsel, Management
	Skoller	
BLMIS	Magnus, Dumarsais	Admin, Filing
BLMIS	Marasa, Gaetano (Guy)	Computer technician, network engineer
BLMIS?, MSIL?	Marshall, Tony	
BLMIS	Mastrangelo, Ralph A.	Computer, Systems
BLMIS	Matthews, Jay E.	Asst Trader
BLMIS, PRIMEX TRADING	Mayer, Leonard	Admin / Management
BLMIS	McGoldrick, John	Trader
BLMIS	McGuire, Kevin T.	Proprietary Trader
BLMIS	McMahon, Robert	Systems
BLMIS	Mehta, Neilay K.	Proprietary Trader
BLMIS	Meyer-Mitchell, Merlin	ROBO
BLMIS	Michalowski, Richard	Asst Trader
BLMIS	Mortenson, Lisa N.	
BLMIS	Moses, Michael	Systems
BLMIS	Moy, Peter	Engineer, Systems
BLMIS	Mui, Alethea	Computer operator, clerical / Annette Dept
BLMIS	Nabile, Walid	Technical support, Systems
BLMIS	Nano, Glenn A.	Proprietary Trader
MSIL	Newing, John	Trader
BLMIS	Nunez, Raphael or Rafael	System operator
BLMIS	Nunez, William A. (Rodriguez)	Clerk, Systems Operator
BLMIS	O'Hara, Jerome T. (Jerry)	Systems analyst
BLMIS	Ortiz, Magdalena (Maggie)	Back Office / Clerical
BLMIS	O'Toole, Elizabeth (Liz)	A/E
	Tramontano Gocs	
BLMIS	Padala, Matthew J.	Client Services
BLMIS	Parker, Raymond H.	
BLMIS	Peacock, John Pyper, III	Comm. Mgr
BLMIS, PRIMEX-1YV, PRIMEX-EHV	Pechatnikov, Yefim	St. Software Developer, Computer programmer
MSIL	Pengelly, Charis	Compliance Assist
BLMIS	Pennachio, Daniel P. (Dan)	Management / Back Office / Clerical

BLMIS	Perez, George	Programmer analyst / Systems Analysts
BLMIS	Perez, Raul G., Jr.	Asst Trader / Client Services
BLMIS	Persaud, Sharda Semboo	Clerical
BLMIS	Pitt, David A.	Asst Trader
BLMIS	Quatrone, Jennifer	Asst Trader
BLMIS	Raghunauth, Asha	Clerical
COHMAD SECURITIES	Raghunauth, Martha Linda	Secretary
MSIL	Raven, Stephen	Executive Director, CEO
BLMIS	Reardon, Erin	Asst acct mgr, clerical / Systems Analysts
BLMIS	Revels, Matthew	
BLMIS	Ringelstein, Daniel August (Danny)	Trader
BLMIS	Rosenberger, Jamie Lynn	Proprietary Trader
BLMIS	Ross, Richard S. (Rich)	Asst Trader
BLMIS	Sanchez, Frankie	Systems technician
BLMIS	Sara, B. John Eden	Asst Trader
	Savill, Stephen	
	Schanker, Herbert	
BLMIS	Scharlop, Benjamin H. (Ben)	Programmer technician
BLMIS	Schwartz, Robert S. (Bob)	Technician
BLMIS	Schwartz, Robin S.	Stock Trader, Listed Trader
BLMIS	Shapiro, Stanley	Sales, Analysis, Trader
BLMIS	Shaps, Ryan M.	PNS, Back Office / Clerical
BLMIS	Sharr, Henry H.	Developer, Oracle DBA, Systems
BLMIS	Shaw, Christopher Riley (Chris)	Proprietary Trader
BLMIS	Shen, Hong (Sam)	Technician, Systems
BLMIS	Sheredos, Robert Y. (Bob)	Computer programmer, Systems
BLMIS	Sibbley, Errol C.	Special
MSIL	Slater, Annabel	Receptionist
BLMIS	Smith, Jeremy Iain	Proprietary Trader
BLMIS	Sobel, Richard G. (Rick)	Lawyer
BLMIS	Solomon, Elaine R. Covell	Secretary
BLMIS	Sondike, Brett A.	Sales / A/E
BLMIS	Squillari, Eleanor Plaia	Assistant, Secretary
BLMIS	Sroka, Heath B.	Trading Asst / Proprietary Trader, Sales
BLMIS	Stampfli, Joshua R. (Josh)	Trader / ROBO
MSIL	Stevenson, Malcolm	Executive Director
BLMIS	Suazo, Joseph H. (Joe)	Senior Programmer
BLMIS	Sullivan, Stefanie A.	Systems
BLMIS	Sutton, Kurt E.	Jr. Analyst, Trader
BLMIS	Tannenbaum, Michael	Research Assoc.
BLMIS	Taratunio, Deborah A. (Debi)	Manager / A/E
MSIL	Thomas, Leanne	Settlements Supervisor
BLMIS	Tiletnick, Peter G.	Intern A/E, Systems, Trader / Assistant Trader
BLMIS	Tiletnick, Walter	Clerk, Management
BLMIS, MSIL	Toop, Philip John (Phil)	Securities Trader, Executive Director-MSIL
BLMIS	Torres, Elvis R.	Computer Operator
BLMIS	Trensky, Michael L.	Trader
BLMIS	Tringali, Barbara	Back Office / Clerical
BLMIS	Tsinkelis, John E.	Unix Administrator
BLMIS	Tsuchida, Kathryn	Researcher/ Proprietary Trader

MSIL	Tunak, Kevin	Computer Consultancy
FRANJEAN AT SEA LTD	Tuvyman, Christopher	
BLMIS	Vaccaro, Andrew	Asst Trader
MSIL	Verde, Francesco	Trader
BLMIS	Vicinelli, Paolo A.	Proprietary Trader
BLMIS	Viggiano, Paul L.	Market Maker
MSIL	Vines, Tim	Operations & Settlements Manager
BLMIS	Voigt, Hendrik M.	Asst Trader / Proprietary Trader
BLMIS	Vollerston or Vollersten or Vollertsen or Vollertsten, Joshua	Trader Assistant
BLMIS	Ward, Laurence Curtis (L. Curtis)	Asst Trader / Proprietary Trader
BLMIS	Watkins, Michella L.	Admin / Back Office / Clerical
BLMIS	Weber, Robert J. (Bobby)	Clerical / Cage
BLMIS	Weintraub, Elizabeth (Liz)	Head of Information Technology
BLMIS	Westhuis, Kathryn M. (Kate)	Assistant Trader
BLMIS	White, Charlene D.	Data Entry Operator / Back Office / Clerical
BLMIS, PRIMEX TRADING	Wiener or Weiner, Charles	Stock Broker / Management, Director of Administration
BLMIS	Wong, William W.	Proprietary Trader
MSIL	Wood, Amber	Compliance Officer
BLMIS	Yeh, Richard Cheng-I	Quantitative Analyst, Software Developer
MSIL	Yelsey, Neil D.	Trader
BLMIS	Yelsey, Neil D.	Proprietary Trader
BLMIS	Zachar, Ned P.	Proprietary Trader
BLMIS	Zelenko, Vladimir	Software Developer
	Zhang, BaoShan (Johnny)	
PRIMEX-1YV	Zhang, Xiaoling (Heather)	Computer Systems Analyst
BLMIS	Zheng, Xing	Sales / ROBO

Appendix C

SQL Databases

Structured Query Language (“SQL”) Databases

The sources of data loaded into the SQL Databases include, without limitation:

- StorQM Optical Storage Device: BLMIS used the StorQM application to store historical customer records from December 1995 through November 2008, which include, but are not limited to, Customer Statements and Portfolio Management Reports (“PMRs”).
- Microfilm reels: BLMIS used this storage medium for historical customer records, which include, but are not limited to Customer Ledgers and PMRs as well as Portfolio Management Transaction Reports (“PMTs”).
- Spiral notebooks: BLMIS personnel recorded cash deposits and withdrawals in handwritten stenographic (spiral-bound) notebooks relating to certain customer accounts. Spiral notebooks were identified for the periods from April 1985 through September 1990, and August 1991 through November 1994.
- BLMIS’s bank records, from various banks, including monthly bank statements, check images, wire transfer records, and deposit slips.
- House 17 AS/400 System: This is the computer system that the BLMIS’s Investment Advisory Business used to manage customer accounts and generate Customer Statements.
- House 5 AS/400 System: This is the computer system that the BLMIS Market Making and Proprietary Trading businesses used to track and report trading and position information.
- House 17 Backup Tapes: These tapes were created in the normal course of business at BLMIS and contain historical and contemporaneous purported customer activity and customer records from the House 17 AS/400 System.
- House 5 Backup Tapes: These tapes were created in the normal course of business at BLMIS and contain historical and contemporaneous backups of the trading and position records from the House 5 AS/400 System.
- Madoff Securities International Ltd. historical trading and position records.
- Electronic files recovered from BLMIS employee computers and network folders.

- Electronic files recovered from BLMIS's Network Accessed Shares ("NAS").
- Cohmad Cash Database.
- Bloomberg Instant Messaging: Instant messages passed between House 5 traders.
- BLMIS phone logs from Avaya and BlackBerry.
- Security swipe data of employees and visitors from the Lipstick Building.
- Reporting data from the Depository Trust & Clearing Corporation ("DTCC").
- Reporting data from the Options Clearing Corporation ("OCC").
- Bloomberg Market Data.
- Data from the Center for Research in Security Prices ("CRSP").
- Data from the Chicago Board Options Exchange ("CBOE").